

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DEMETRIUS JOHNSON,

*Plaintiff,*

v.

REYNALDO GUEVARA, JOANN  
HALVORSEN as PERSONAL  
REPRESENTATIVE to the ESTATE of  
ERNEST HALVORSEN, DARRYL  
DALEY, WILLIAM ERICKSON, JOHN  
HEALY, and the CITY OF CHICAGO

*Defendants.*

Case No. 1:20-cv-04156

Judge Sara L. Ellis

**DEFENDANT GUEVARA’S MOTION TO SET A BRIEFING SCHEDULE AND  
FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Defendant Reynaldo Guevara, by his attorneys, respectfully requests this Honorable Court set a briefing schedule and grant an extension of time to file his Response to Plaintiff’s Motion for Partial Summary Judgment. In support, Defendant Guevara states:

1. On February 21, 2023, Plaintiff filed his Motion for Partial Summary Judgment (“MSJ”) against Defendant Guevara. (Dkt. 210).

2. As required by this Court’s standing Order for Summary Judgement Practice, the parties previously filed a joint Motion to Resolve Disputed Facts pursuant to Plaintiff’s motion. (Dkt at 195). The Court held a hearing on this Motion on January 12, 2023, and at the hearing’s conclusion the Court reset the previous briefing schedule for Plaintiff’s anticipated MSJ, referencing the upcoming settlement conference in this case. (January 12, 2023, transcript, attached as Ex. 1). Plaintiff’s counsel requested to file his partial MSJ on February 11, 2023, three

days after the pending settlement conference. *Id.* Defendant Guevara requested 30 days to file his response, and Plaintiff's counsel requested two weeks to file a reply. *Id.*

3. Subsequently, the Court entered a Minute Entry setting a ruling date on "defendants' motions for summary judgment" for January 10, 2024. (Dkt. 203). The discussed briefing schedule on Plaintiff's motion was not included in this Minute Entry.

4. On February 21, 2023, Plaintiff filed his Partial MSJ. (Dkt. 210). Pursuant to the time requested at the January 12 hearing, Defendant Guevara's response would be due on March 21, 2023; that is, 30 days from when Plaintiff filed his motion.

5. Unfortunately, at the time of the hearing, Guevara's counsel Megan McGrath was not aware that lead counsel Thomas M. Leinenweber would be out of the office beginning on February 24 and not returning until March 7, 2023. Thus, Mr. Leinenweber has not been able to confer with co-counsel regarding the Response and will not be able to do so in time to file on March 21, 2023.

6. Additionally, Ms. McGrath experienced a series of health issues at the end of February which has caused a delay.

7. Considering the above, Defendant Guevara requests this Court set a briefing schedule on Plaintiff's partial MSJ, which grants Defendant Guevara an extension of fifteen days to file his Response, up to and including April 7, 2023. Plaintiff's reply would be due on April 21, 2023.

8. This request is not made for purposes of delay and will not prejudice Plaintiff.

9. Plaintiff's counsel initially opposed Defendant Guevara's Motion, "given the Court's long-set May 9, 2023 ruling date." (Email correspondence attached as Ex. 2). Plaintiff appears to be referring to the briefing schedule set by this Court on November 1, 2022 (Dkt. 175).

However, the briefing schedule in this Minute Entry was extended at least twice prior to the January 12, 2023, hearing. (*See* Dkts. 181 and 184).

10. Plaintiff's counsel withdrew her initial objection, but this position is "contingent on preserving the ruling date" of May 9, 2023. (*See* Ex. 2).

11. Defendant Guevara therefore requests this Honorable Court enter an Order setting out the briefing schedule described above, and in so doing grant him an extension of time to April 7, 2023, to file a Response to Plaintiff's Motion for Partial Summary Judgment.

WHEREFORE, for the reasons stated above, Defendant Guevara requests the Court enter a briefing schedule and grant an extension of time to April 7, 2023, to file his Response to Plaintiff's Motion for Partial Summary Judgment.

Respectfully Submitted:

DEFENDANT REYNALDO GUEVARA

/s/ Thomas M. Leinenweber

Thomas M. Leinenweber

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